

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department – Appeal Petition filed by Sri Bathula Ratna Sekhar Rao S/o Bathula Tata Rao, Sri B.Suresh Babu, S/o B.Tata Rao, Sri B.Mahesh Babu S/o B.Tata Rao and Smt B.Kanakavalli, W/o Dara Paripoorna Rao, R/o Rampachodavaram, East Godavari District, against the Proceedings No. Ref. C5(M)/1595/2000, dated 21.10.2010 of the Collector, East Godavari District - under section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No. 16/1993) – Appeal Petition allowed – Orders Issued.

SOCIAL WELFARE (CV2) DEPARTMENT

G.O.MS.NO. 24

Dated: 28.06.2012.
Read the following.

1. Proceedings of the District Collector, East Godavari, No. Ref.C5(M)/1595/2000, dated 21.10.2010.
2. Appeal Petition filed by Sri Bathula Ratna Sekhar Rao S/o Bathula Tata Rao, Deputy Traffic Manager, and his 3 family members, Port Trust, VSP, native Rampachodavaram, East Godavari District before M (TW & RIAD).
3. Govt.Memo.No.9958/CV2/2010, SW (CV2) Dept, dt.10.11.2010.
4. From the District Collector, East Godavari, Lt. No. Ref.C5(M) 242/11, dated 22.3.2011
5. Govt.Memo.No.9958/CV2/2010, SW (CV2) Dept, dt. 06.07.2011.
6. Govt.Memo.No.9958/CV2/2010, SW (CV2) Dept, dt. 18.08.2011.
7. Written Arguments dt. 27.8.2011 filed by the counsel for the Appellants before the Government.
8. Govt.Memo.No.9958/CV2/2010, SW (CV2) Dept, dt.22.09.2011.
9. From the District Collector, EG No. C5 (M) 242/11 dt. 20.10.2011.
10. Govt. Memo No. 9958/CV.2/2010, SW (CV.2) dated 14.12.2011.
11. Written Arguments – II, dated 06.01.2012 filed by Sri B. Ratna Sekhar Rao on behalf of his family members before the Government.
12. From the District Collector, EG No. C5 (M) 242/11 dt.07.01.2012.
13. Govt.Memo.No.9958/CV2/2010, SW (CV2) Dept, dt.13.01.2012.
14. From CTW, AP., Hyderabad Lr. Rc. No. 2282/2006/TRI/VC-6, dt.27.03.2012.
15. Written Arguments – III, dated 07.04.2012 filed by Sri B. Ratna Sekhar Rao on behalf of his family members before the Government.

ORDER:

In the reference 1st read above the District Collector, East Godavari has issued orders canceling Scheduled Tribe Certificate obtained from the then Tahsildar, Rampachodavaram by Sri Bathula Ratna Sekhar Rao S/o Bathula Tata Rao, Sri B. Suresh Babu, S/o B. Tata Rao, Sri B. Mahesh Babu S/o B. Tata Rao and Smt B. Kanakavalli, W/o Dara Paripoorna Rao, R/o Qtr.NO.17, Type-V, Harbour Park Extention, R.K.Beach, Vishakapatnam, (native of Rampachodavaram, East Godavari District).

2. In the reference 2nd read above, Sri Bathula Ratna Sekhar Rao S/o Bathula Tata Rao, Deputy Traffic Manager, and his (3) family members have filed Appeal Petition before the Government against the orders of the District Collector, East Godavari. After examining the said Appeal Petition Government have admitted the Appeal Petition and stay orders were issued on the Proceedings of the District Collector, East Godavari and called for the parawise remarks and connected records from the District Collector, East Godavari in the reference 3rd read above.

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3. In the reference 4th read above, the District Collector, East Godavari has furnished the parawise remarks and connected original records of Sri Bathula Ratna Sekhar Rao S/o Bathula Tata Rao, Deputy Traffic Manager, and his (3) family members.

4. The said Appeal Petition has been posted for hearing on 11-07-2011, finally on 27-08-2011, the same has been informed to the appellant and requested him to attend the above hearing with all documentary evidences/certificates in favour of his community claim, in the references 5th and 6th read above. The appellant was present for the said hearing and explained his community status before the appellate authority and submitted written arguments to the appellate authority.

5. In the references 7th, 11th and 15th read above, Sri Bathula Ratna Sekhar Rao S/o Bathula Tata Rao, Deputy Traffic Manager, and his (3) family members have submitted written arguments on their Appeal Petition to Government. After examination of the written arguments Government was called for the evocative report from the District Collector, East Godavari and Commissioner of Tribal Welfare/TCR &TI, AP, Hyderabad in the references 8th, 10th, 13th read above.

6. In the references 9th, 12th and 14th read above, the District Collector, East Godavari and Commissioner of Tribal Welfare/TCR &TI, AP, Hyderabad have furnished the evocative report on the written arguments submitted by Sri Bathula Ratna Sekhar Rao S/o Bathula Tata Rao, Deputy Traffic Manager, and his (3) family members.

7. Government has examined the records and Proceedings of the District Collector, East Godavari dated. 21.10.2010, grounds and written arguments submitted by the Appellants and having considered the arguments of either side and documentary evidences and written arguments of the Appellants have contented that the Family treat of the father of Sri Bathula Tata Rao reveals that he has migrated from Rajahmundry to Rampachodavaram in search of livelihood, about 80 years ago. The genealogy of his father known to be as 'Devanga' caste. He married one 'Marthamma', D/o Kora Sanyasi Rao, who belongs to 'Valmiki' Caste (ST). At that time, their marriage was considered as inter-caste and recognized by the Valmiki Society and other elders of the Community. It is also observed that the Appellant's father married a Tribal woman and as per the Govt. orders existing as on that day, the Appellant, his brothers and sister are treated as 'Valmiki' Caste only. It is also evidently observed that the Appellant's maternal ancestors established that since more than three centuries, they belong to 'Valmiki' Community. The family tree of the Appellant clearly established that they have got marshal relations within the agency area from the mother's side.

8. It is also observed that the Appellants in their written arguments have contented that the evidences and records produced before Government, in the year 1966, the list of STs has been revised and 'Valmiki' in agency tracts are declared as STs with reference to the earlier caste recorded as 'Adi Andhra, Hindu Mala etc.' Further, after due enquiry, the Commissioner of Tribal Welfare, in his letter addressed to the Chairman, Visakhapatnam Port Trust, has confirmed that Sri Bathula Ratna Sekhar Rao, S/o Bathula Tata Rao Belongs to 'Valmiki' Community. The CBCID also clearly established that the Appellant's mother belongs to ST Community i.e., 'Valmiki'. The Caste status of a person in the context would necessarily have to be determined in the light of the recognition and acceptance by the Society of the children born out of the marriage between a member of ST with an outsider, which is main determining factor, irrespective of whether the ST is matriarchal or patriarchal. The final result depends upon, whether the child is accepted as a member of the ST or not. In the instant case, it is seen that the Valmiki Society and Community have clearly accepted the Appellant as Valmiki Community and it's member. By simply ignoring enquiry from mother's side and conducting enquiry from father's

side and confirming the social status based on the 'surname' is not correct. The status of the 'offspring' born out of wedlock between a couple, one of whom is a member of ST community, the offspring can avail the Social status of either of the parents, which is beneficial to him or her, which is subjected to experiencing the disabilities like socially, economically and educationally.

9. The evidences produced by the Appellant before the Government and after hearing the arguments made by both the parties, it is observed that in the instant case, the Appellants have faced the disabilities for their existence and simply because of studying higher education will not construed that they are not disables and hence, the claim of the Appellants as 'Valmiki' ST is not far away from truth and the reports of the Collector, East Godavari District reveals that the District authorities have not viewed the issue from all possible angles and the supporting documents produced by the Appellants and injustice has been done to the Appellants.

10. Government after careful examination of the Appeal Petition and the facts stated supra and in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), hereby allow the Appeal Petition filed by Sri Bathula Ratna Sekhar Rao S/o Bathula Tata Rao, Sri B.Suresh Babu, S/o B.Tata Rao, Sri B.Mahesh Babu S/o B.Tata Rao and Smt B.Kanakavalli, W/o Dara Paripoorna Rao, R/o Qtr.NO.17, Type-V, Harbour Park Extention, R.K.Beach, Vishakapatnam, (native of Rampachodavaram, East Godavari District) and the Proceedings of the District Collector, East Godavari issued in the No. Ref.C5(M)/1595/2000, dated 21.10.2010 is hereby set aside, by upholding the ST 'Valmiki' Community Certificate issued by the Tahsildar, Rampachodavaram in favour of Sri Bathula Ratna Sekhar Rao S/o Bathula Tata Rao, Sri B.Suresh Babu, S/o B.Tata Rao, Sri B.Mahesh Babu S/o B.Tata Rao and Smt B.Kanakavalli, W/o Dara Paripoorna Rao, R/o Qtr.NO.17, Type-V, Harbour park Extention, R.K.Beach, Vishakapatnam, (native of Rampachodavaram, East Godavari District).

11. The District Collector, East Godavari shall take necessary action in the matter.

12. The records (containing No. Ref. C5 (M)/1595/2000, dated 21.10.2010, containing pages 01 to 968 (in two Volumes)) received from District Collector, East Godavari District, through reference 4th read above, are returned herewith in original to District Collector and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. A.VIDYASAGAR
PRINCIPAL SECRETARY TO GOVERNMENT (TW)

To

The District Collector, East Godavari (By RPAD) (with original records).

Sri B. Ratna Sekhar Rao, Deputy Traffic Manager, S/o B. Tata Rao, R/o. Qtr. No.17, Type-V, Harbour Park Extention, R.K. Beach, VSP-3.

Sri B.Suresh Babu, Panchayat Secretary, S/o B.Tata Rao, D.No. 46-12-13, Opp: Sagar Children Hospital, Danavaipeta, Rajahmundry, East Godavari District.

Sri B.Mahesh Babu Superintendent of Central Excise S/o B.Tata Rao, R/o D. No. 5-80, Vigneswar Nagar, Indrapalem, Kakinada, East Godavari District.

Smt B.Kanakavalli, Teacher W/o Dara Paripoorna Rao, R/o D. No. 6-20/2, Near Z.P.High School, Indrapalem, Kakinada, East Godavari District.

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Copy to:

The CTW, AP, Hyderabad/ the Director, TCR& TI, AP, Hyderabad.

The Visakhapatnam Port Trust, Vigilance Department, Visakhapatnam-35.

The Commissioner, Office of the Commissioner of Central Excise
& Customs, Visakhapatnam-II, Commissionerate, Central Excise Building,
Port Area, Visakhapatnam-530035.

P.S. to M (TW)

P.S. to Principal Secretary (TW)

SF/SC.

// Forwarded :: By Order //

SECTION OFFICER.